

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; AND JAMES
MAY,

Defendants.

No. 2:21-cv-811-TSZ

SUPPLEMENTAL DECLARATION OF
EDWARD KAISER IN SUPPORT OF
PLAINTIFF BUNGIE, INC.'S REPLY IN
SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT

I, Edward Kaiser, declare as follows:

1. I am an Engineering Lead for Plaintiff Bungie, Inc. ("Bungie" or "Plaintiff"). I submit this declaration in support of Plaintiff Bungie, Inc.'s Reply in Support of Its Motion for Summary Judgment. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto under oath.

2. Object Code, also known as "machine code" or "binary", is the set of instructions that the computer actually executes when running software. Object Code instructions are binary numbers and difficult for humans to read, so software is typically developed as Source Code (a more human-readable version with labels, nouns, and verbs) and converted to Object Code by a compiler. Since the computer cannot understand or execute Source Code, commercial software products are commonly only distributed as Object Code. That is the case for the *Destiny 2* game;

KAISER DECL. ISO BUNGIE'S REPLY
ISO MOT. FOR SUMMARY JUDGMENT
(No. 2:21-cv-811-TSZ) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 only the *Destiny 2* Object Code is distributed to users when they obtain a license to a copy of
2 *Destiny 2*.

3 3. Reverse Engineering, also known as “decompiling”, is the practice of using tools
4 to convert Object Code back to Source Code to better understand the Object Code instructions to
5 the computer, and to identify what sections of Object Code are important to copy and manipulate.

6 4. I have reviewed the documents produced by Bungie bearing Bates numbers
7 BUNGIE_WDWA_0000416, BUNGIE_WDWA_0000410-411, and
8 BUNGIE_WDWA_0000421-461.¹ BUNGIE_WDWA_0000416 is an email string between
9 Bungie and individuals at the company NovaCoast, and BUNGIE_WDWA_0000410-411,
10 BUNGIE_WDWA_0000421-461 are some of its attachments. These documents were sent to
11 Bungie by NovaCoast. The attachments and accompanying analysis were not created or performed
12 by Bungie, Bungie did not enter into a contractual agreement with NovaCoast for this work, and
13 Bungie did not guide nor control the manner in which NovaCoast performed this work.
14 Furthermore, the attachments and accompanying analysis were simply looking at the behavior of
15 the *Destiny 2* game and operating system while the cheat was running. They show no evidence of
16 Reverse Engineering as they neither contain nor describe either Object Code or Source Code.

17
18
19 I declare under penalty of perjury under the laws of the United States that the foregoing is
20 true and correct.

21
22 Executed this 11th day of August, 2023

23 
24 Edward Kaiser

25
26
¹ BUNGIE_WDWA_0000368-408 is an identical copy of BUNGIE_WDWA_0000421-461.
KAISER DECL. ISO BUNGIE’S REPLY
ISO MOT. FOR SUMMARY JUDGMENT
(No. 2:21-cv-811-TSZ) -2